

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

KENNETH DAYWITT, et al

Civil No. 19-1632 (JRT/ECW)

Plaintiffs,

v.

ORDER

VOLUNTEER SERVICES DEPARTMENT,
et al,

Defendants.

Jose Monserrato Martinez, Jr., Reg No. 13080-030, FMC Rochester, PMB 4000, 2110 Center Street East, Rochester, MN 55903-4000, for petitioner.

Bahram Samie, Assistant United States Attorney, **UNITED STATES ATTORNEY'S OFFICE**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, for respondent.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Elizabeth Cowan Wright dated October 11, 2019, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. This matter is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B).
2. The applications to proceed *in forma pauperis* of plaintiffs Kenneth Daywitt and Roy Hughes (Docket Nos. 2, 3, & 5) are **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 1, 2019
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court